MOTION FILED

JUL 27 1993

No. 92-780

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1993

NATIONAL ORGANIZATION FOR WOMEN, INC.

PETITIONER

v.

JOSEPH M. SCHEIDLER

RESPONDENT

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

MOTION TO ALLOW COUNSEL TO REPRESENT CHILDREN UNBORN AND BORN ALIVE

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MOTION TO ALLOW COUNSEL TO REPRESENT CHILDREN UNBORN AND BORN ALIVE

The Court is moved to allow Alan Ernest to represent the victims being killed by Roe v. Wade, 410 U.S. 113, as counsel or guardian ad litem, for the purpose of defending their right to life under the U.S. Constitution.

INTEREST OF COUNSEL

Alan Ernest is a member of the bar of this Court and his two decades of work for the unborn is well known to this Court. His purpose is to prove that the guarantee of life to "any person," as made in the U.S. Constitution, does include the unborn.

This is effectively a motion to allow retained counsel since there will be no expense to this Court or to the taxpayers.

SUMMARY OF ARGUMENT

The unborn have a constitutional right to be represented by counsel to prove that the Constitution's universal guarantee of life to "any person" does include the unborn.

Argument

THE UNBORN HAVE A CONSTITUTIONAL RIGHT TO BE ESPECIALLY REPRESENTED BY COUNSEL TO DEFEND THEIR RIGHT TO LIFE UNDER THE CONSTITUTION.

1.

THIS COURT EFFECTED AND MAINTAINED THE ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW COUNSEL TO REPRESENT THE UNBORN AND DEFEND THEIR RIGHT TO LIFE UNDER THE U.S. CONSTITUTION.

Counsel did not especially represent the unborn in the U.S. District Court, or at any stage in Roe v. Wade. An original party objected that the unborn should be represented by counsel in this Court:

> (T)he Court should have every benefit of a complete record and the representation of a guardian ad litem for that fetal entity and for its natural right to develop to birth.[1]

But this Court refused to allow counsel to represent the unborn and defend their right to life under the U.S. Constitution. Thus the killings commenced.

And the Supreme Court has maintained the killings by steadfastly refusing to allow

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1. Petition for Rehearing 5, Doe v. Bolton, 410 U.S. 179 (1973), denied 410 U.S. 959.

counsel to represent the unborn, and defend their right to life under the Constitution.[2]

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2. Colautti v. Franklin, 439 U.S. 379, motion to allow counsel for the unborn denied 437 U.S. 902; Anders v. Floyd, 440 U.S. 445, motion to allow counsel for the unborn denied 439 U.S. 890; Bellotti v. Baird, 443 U.S. 622, motion to allow counsel for the unborn denied 439 U.S. 1065; Ashcroft v. Freiman, affirmed 440 U.S. 941, motion to allow counsel for the unborn denied 440 U.S. 941; United States v. Zbaraz, 448 U.S. 358, motion to allow counsel for the unborn denied 444 U.S. 1030; Harris v. McRae, 448 U.S. 297, motion to allow counsel for the unborn denied 445 U.S. 941; H.L. v. Matheson, 450 U.S. 398, motion to allow counsel for the unborn denied 445 U.S. 959; Simopoulos v. Virginia, 462 U.S. 506, motion to allow counsel for the unborn denied 458 U.S. 1104; Planned Parenthood of Kansas City v. Ashcroft, 462 U.S. 476 motion to allow counsel for the unborn denied 458 U.S. 1104; Akron Center for Reproductive Health v. Akron, 462 U.S. 416, motion to allow counsel for the unborn denied 458 U.S. 1104; Diamond v. Charles, 476 U.S. 54, motion to allow counsel for the unborn denied 473 U.S. 932; Thornburgh v. American College of Obstetricians, 476 U.S. 747, motion to allow counsel for the unborn denied 473 U.S. 931; Hartigan v. Zbaraz, 484 U.S. 171, motion to allow counsel for the unborn denied 479 US 1003; Webster v. Reproductive Health Services 492 U.S. 490, motion to allow counsel for the unborn denied 489 U.S. 106; Ohio v. Akron Center for Reproductive Health, 497 US 502, motion to allow counsel for the unborn denied 493 U.S. 802; Hodgson v. Minnesota, 497 US 417, motion to allow counsel for the unborn denied 492 U.S. 803; New York v. Sullivan, 114 L Ed 2d 233, motion to allow counsel for the unborn denied 111 L Ed 2d 746; Planned Parenthood of Southeastern Pennsylvania v.

The unborn have a constitutional right to be represented by counsel in this case to defend their right to life under the U.S. Constitution.[3] Judges who willfully deny

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Casey, 120 L Ed 2d 674, motion to allow counsel for the unborn denied 117 L Ed 2d 614.

3. Even in civil proceedings, where crucial deprivations are threatened, such as loss of welfare, due process guarantees (1) prior notice of the factual and legal bases; (2) the right to be represented by counsel; (3) the right to confront and cross-examine adverse evidence; (4) the right to present evidence. Goldberg v. Kelly, 397 U.S. 254, 268-271 (1970). See also, In Re Gault, 387 U.S. 1 (1967).

Could it be possible that procedures, which could not be used to deprive a mother of welfare, could be used to exclude her from the protection of the U.S.Constitution so that she could be killed with impunity from criminal laws? This is preposterous.

The Constitution would not permit any court to condemn even one single Jew to death in a criminal case, but deny any of these procedural rights. Then neither can it permit any court to condemn all Jews in the United States to death, but deny any of these procedural rights, by calling it a civil proceeding, and decreeing the lives of all Jews are not protected by the U.S. Constitution, and it is "liberty" to kill all Jews with impunity from criminal laws.

Any victim is entitled to all these procedural protections before any court can decree that the victim's life is not protected by the Constitution, and the victim can be killed with impunity from criminal statutes. The rule for one is the rule for

this right are guilty of crime.[4] This denial makes Roe v. Wade void.

2.

THIS COURT EFFECTED THE ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW PRIOR NOTICE OF THE CONSTITUTIONAL STANDARDS, THE BURDENS OF PROOF, OR THE EVIDENCE WHICH IT USED TO INFER THAT THAT THE LIVES OF THE UNBORN ARE NOT PROTECTED BY THE U.S. CONSTITUTION.

The District Court in Roe v. Wade did not even look to see if the lives of the unborn were protected by the Constitution. This question was argued for the first time after the case reached this Court. Since this Court had never previously excluded anyone from the protection of the U.S. Constitution so they could be killed with impunity from criminal statutes, the parties had no prior notice of the factual and legal bases for such an exclusion.

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all; these are the sacred truth-seeking procedures which protect the lives of all Americans.

4. "Even judges ... could be punished criminally for willful deprivations of constitutional rights." Imbler v. Pachtman, 424 U.S. 409 (1976).

Moreover in the aftermath of Dred Scott v. Sanford, legitimate public expectation rested on the assurance that this Court would never again attempt another exception to the universal terms "any person."[5]

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5. This Court's decision in Dred Scott v. Sanford appears to be the only precedent in American history in which this Court has implied an exception to the universal terms "any person" in the Fifth or Fourteenth Amendments. The Court there ruled that the universal words "any person" did not include Negroes, there was a constitutional right to own a slave, and Congress could not prohibit slavery in the free territories. This decision triggered a civil war. Candidate Abraham Lincoln vowed he would not obey Dred Scott. Opponents said their states would withdraw from the Union rather than be deprived of their assumed constitutional right to own slaves and take them to the free territories. 4 Collected Works of Abraham Lincoln 267 (1953). But President Abraham Lincoln responded that if he were bound by Dred Scott, "the people will have ceased to be their own rulers." Id., at 268. Thus the war commenced.

A purpose of the Fourteenth Amendment was to overrule Dred Scott, and place it beyond the power of judges to ever again produce convulsions by implying an exception the universal words "any person." For over a century legitimate public expectation rested on the assurance that this Court would never again attempt an exception to the universal terms "any person."

But without any prior notice, this Court once again, in the precise manner of Dred Scott, attempted to imply an exception to the universal words "any person." In Roe v. Wade, this Court thus combined both total surprise and violent defiance of the long standing legitimate public expectation that this Court would never again defy the universal words "any person."

In particular, this Court gave the parties in Roe v. Wade no prior notice of the constitutional standards, the burdens of proof, or the evidence, which the Court used to infer that the guarantee of life to "any person," as used in the Fourteenth Amendment, did not include the unborn.

The first time the parties had notice was when Roe v. Wade was published, and the victims were already condemned to death. An original party objected that it lacked the prior notice needed to defend the unborn.

> (N)ot only did the Court set a new constitutional standard, but at the same moment the Court applied the standard

> without giving the Appellees notice or opportunity to present evidence with respect to the point in gestation at which such standards, if they be correct as a matter of law in the first place, should be applied. "Viability", "meaningful life" or existence, "fetal life": all presumably have medical meaning which should be subject to medical testimony before a decision of constitutional import becomes solidified in concrete. These concepts are not even necessarily the appropriate ones.[6]

But this Court refused to allow the original parties to have prior notice. Thus the killings commenced.

And this Court has maintained the killings despite repeated objections that the unborn had no prior notice in Roe v. Wade of the factual and legal basis needed to defend the unborn's right to life under the U.S. Constitution.[7]

The unborn have a constitutional right to prior notice of all the factual and legal bases before they can be excluded from the

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6. Petition for Rehearing 6, Doe v. Bolton, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973). (emphasis added).

7. See cases in note 2, supra.

protection of the Constitution so they can be killed with impunity from criminal statutes.[8] Judges who willfully deny this right are guilty of crime.[9] This denial makes Roe v. Wade void.

3.

THIS COURT EFFECTED THE ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY USING A SECRET EVIDENTIARY PROCESS TO FIND EVIDENCE TO INFER THAT THE LIVES OF THE UNBORN ARE NOT PROTECTED BY THE U.S. CONSTITUTION.

This Court used some secret evidentiary process, not open to the parties, to find evidence to infer that the lives of the unborn were not protected by the U.S. Constitution. The Court conducted these evidentiary proceedings in its back rooms; the parties were not allowed to be present; no public record was made of these proceedings. The purpose of these proceedings was to find evidence to infer that the lives of the unborn were not protected by the U.S.

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8. See note 3, supra.

9. See note 4, supra.

Constitution. An original party objected to these secret judicial proceedings:

> The Court has taken judicial notice of innumerable facts and factors, some which are expressly referred to in the Court's decision and some which are unknown to the parties but which apparently were extricated from various sources by the Court's diligent research, which facts nevertheless should be subject to refutation and counter-evidence since they form the foundation for the Court's opinion ... of constitutional stages of fetal growth.[10]

But the Court permitted the killings to commence despite this objection to its secret evidentiary proceedings.

And this Court has maintained the killings despite repeated objections that it used secret evidentiary proceeding in Roe v. Wade.[11]

The unborn have a constitutional right not to be excluded from the protection of the U.S. Constitution by secret evidentiary

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10. Petition for Rehearing 4, Doe v. Bolton, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

11. See cases in note 2, supra.

proceedings.[12] Judges who willfully deny this right are guilty of crime.[13] This denial makes Roe v. Wade void.

4.

THIS COURT EFFECTED AND MAINTAINED THE ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW ITS EVIDENCE, WHICH IT USED TO INFER THAT THE LIVES OF THE UNBORN ARE NOT PROTECTED BY THE U.S. CONSTITUTION, TO BE CONFRONTED AND CROSS-EXAMINED.

Since the Court used a secret process, the original parties had not seen all the evidence which the Court used to infer that the lives of the unborn are not protected by the U.S. Constitution. An original party asked permission to cross-examine the evidence which the Court used to infer that the lives of the unborn were not protected by the U.S. Constitution:

> The Court has taken judicial notice of innumerable facts and factors, some which are expressly referred to in the Court's decision and some which are unknown to the parties but which apparently were extricated from various sources by the Court's diligent research, which facts nevertheless

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12. See note 3, supra.

13. See note 4, supra.

> should be subject to refutation and counter-evidence since they form the foundation of the Court's opinion ... of constitutional stages of fetal growth.[14]

But the Supreme Court refused to allow the original parties to cross-examine its evidence in Roe v. Wade, which it used to infer that the lives of the unborn were not protected by the U.S. Constitution. Thus the killings commenced.

And this Court has maintained the killings by steadfastly refusing to allow its evidence, which it used to infer that the lives of the unborn were not protected by the U.S. Constitution, to be confronted and cross-examined.[15]

The unborn have a constitutional right to confront and cross-examine the evidence which this Court used to infer that their lives are not protected by the U.S.

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14. Petition for Rehearing 4, Doe v. Bolton, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973) (emphasis added).

15. See cases in note 2, supra.

Constitution.[16] Judges who willfully deny this right are guilty of crime.[17] This denial makes Roe v. Wade void.

5.

THIS COURT EFFECTED AND MAINTAINED THE ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW EVIDENCE TO BE PRESENTED ON BEHALF OF THE UNBORN TO PROVE THE CONSTITUTION'S GUARANTEE OF LIFE TO "ANY PERSON" DOES INCLUDE THE UNBORN.

In Roe v. Wade, the Court invented new constitutional standards on the protection of life by the U.S. Constitution, which the parties did not see until after Roe v. Wade was decided. The parties never had any opportunity to present evidence under these new standards. An original party asked permission to present evidence under the new constitutional standards, which it had not seen before, to show that the lives of the unborn are protected by the U.S. Constitution:

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16. See note 3, supra.

17. See note 4, supra.

We are dealing here with a procedure long considered outlawed and which has suddenly become become legal.

....

The Court has selected a point in time at which states may protect fetal life, without any record of facts upon which to base the conclusion that only at "viability," as that term is defined by the Court, do the people of a state have authority to demand caution before a prenatal infant is destroyed.

....

Appellees have had no opportunity to show by evidence in a traditional judicial trial setting at what gestational stage the separate life of the fetus is "meaningful" medically; in addition, the Court overlooked the significance of Georgia's legal recognition of meaningful human life as found in case law and statute.

....

With no opportunity for Appellees to demonstrate the factual basis, in terms of current medical science, that its interest attaches at a particular point in the natural development of a human fetus, the Court has seized upon the convenient point of "viability" and crystallized constitutional command which bars State action.

....

In the medical concept of "life," with its current body of technological knowledge, including such advances as fetal electrocardiography and fetal electroencephalography, legal "life" should not be cemented at an event in a judicial conclusion which does not have the benefit of medical evidence.

....

At any rate, Appellees should have an opportunity to present evidence and testimony to support the State's claim

> of medically and scientifically sound interest in requiring a cautious approach to the extinguishment of fetal life.[18]

But the Court refused to allow the original parties to present evidence to show that the lives of the unborn were protected by the U.S. Constitution. Thus the killings commenced.

And this Court has maintained the killings by steadfastly refusing to allow evidence to be presented on behalf of the unborn to prove that their lives are protected by the U.S. Constitution.[19]

The unborn have a constitutional right to present evidence in this case to prove that their lives are protected by the U.S. Constitution.[20] Judges who willfully deny

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18. Petition for Rehearing 3,4,5,6,8, Doe v. Bolton, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

19. See cases in note 2, supra.

20. See note 3, supra.

this right are guilty of crime.[21] This denial makes Roe v. Wade void.

The procedures used by the Court to effect and maintain the Roe v. Wade killings are essentially the same procedures cited by the Nuremberg Court as part of the evidence to convict the Nazi judges of complicity in extermination and murder.[22] Such procedures are murder and make Roe v. Wade void.

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21. See note 4, supra.

22. "In many instances they were denied the right to introduce evidence, to be confronted by witnesses against them.... They were ... denied the right of counsel of their own choice....(T)he accused learned only a few moments before trial of the nature of the alleged crime for which he was to be tried. The entire proceedings from beginning to end were secret and no public record was allowed to be made of them." United States v. Altstoetter, 3 Trials of War Criminals Before the Nuernberg Military Tribunals 1046-1047 (1951). "Such a mock trial is not a judicial proceeding but a murder." Id., at 1164. "The dagger of the assassin was concealed beneath the robe of the jurist." Id. at 985.

II.
ISSUES RAISED BY COUNSEL NOT RAISED BY THE PARTIES

1. THE U.S. CONSTITUTION'S UNIVERSAL GUARANTEE OF LIFE TO "ANY PERSON" DOES INCLUDE THE UNBORN.

The parties have not raised the question of whether the lives of the unborn are protected by the U.S. Constitution, which disposes of all issues in this case.

The unborn have a right to assistance of counsel, to present evidence and arguments not presented by the parties, to show that the Constitution's universal guarantee of life to "any person" does include the unborn.[1]

2. THERE IS A U.S. GOVERNMENT CONSPIRACY TO IMPOSE ON THIS NATION BY DECREE THE EXACT DOCTRINES WHICH THE UNITED STATES ITSELF CONDEMNED AS MURDER AT NUREMBERG.

At Nuremberg the Nazi judges claimed they could not be held accountable for the extermination of millions of Jews and other

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1. This evidence and arguments are presented in the amicus curiae brief by the Legal Defense For Unborn Children, filed herein, and incorporated by reference.

minorities because "the supreme judge" of Nazi Germany had decreed those killings to be legal, and under Nazi law, which they had to obey, those killings were legal.[2] Yet the United States prosecuted the Nazi judges, and the Nuremberg court convicted them of complicity in extermination and murder: "The dagger of the assassin was concealed beneath the robe of the jurist."

Yet the record proves that the U.S. Supreme Court conspires to impose those exact doctrines on America by decree. This Court decreed killings to be "liberty" which the people had defined by their homicide statutes to be "murder."[3] This Court decreed mass murder to be legal, just as "the supreme judge" of Nazi Germany decreed mass murder to be legal. By merely changing the names of the victims, this Court has

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2. United States v. Altstoetter [The Justice Case], supra, at 983-985, 1011-1014.

3. See amicus brief by Legal Defense for Unborn Children, supra note 1, pages 10-22.

duplicated the decree of "the supreme judge" of Nazi Germany.

When the U.S. Supreme Court was accused of mass murder in U.S. District Courts, the U.S. Government defended it by claiming that its Supreme Court had the power to decree the mass murder of anyone to be legal. The U.S. Government expressly argued that the U.S. Supreme Court must be obeyed even if it decreed a liberty to kill Jews with impunity from murder statutes:

> [U.S. District Judge]: Let me ask you to respond to this question. The plaintiff argues in his brief that the Supreme Court in Roe v. Wade took a discrete group of entities and said that these entities have no right to live, and thus may be killed .... And he said if you take Roe v. Wade and remove the word "fetus" and just substitute most any other word you want of another discrete group, that we wouldn't be here discussing this at all. Let's say that instead of "fetus," they said "Jews." That is the one he used in his brief.
>
> Would you argue stare decisis to me if, under Roe v. Wade, at the whim of neighbors Jews could be put to death?

> [U.S. Govt. Lawyer]: (I) would have to agree with the doctrine of stare decisis and advance it to the court.[4]

Thus the U.S. Government has defended the Justices of this Court from accusations of mass murder by claiming the same doctrines which the United States itself prosecuted as complicity in murder and extermination at Nuremberg. It was undisputed that in Roe v. Wade the Supreme Court decreed killings to be "liberty" which legislatures had defined to be "murder." It was undisputed that the victims were being killed in defiance of murder statutes. And in defending the Justices against accusations of mass murder, the U.S. Government expressly claimed that the Supreme Court has the power to decree the mass murder of Jews, or anyone, to be liberty, and all courts must obey.

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4. Ernest v. United States Attorney for the Eastern District of Virginia, U.S. District Court in Richmond, Civ. No. 84-0858, transcript of proceedings at 21-22, cert. denied 475 U.S. 1084 (1986).

Although the U.S. District Judge objected that Roe v. Wade was "the worst decision by the Supreme Court in the history of the Court," the U.S. District Judge adopted the U.S. Government's arguments that he must obey the U.S. Supreme Court no matter whom it decreed a liberty to kill.[5]

The petition for review in the U.S. Supreme Court accused it of mass murder:

> For the 67th time, the U.S. Supreme Court is accused in its own Court with mass murder in violation of state and federal statutes.[6]

The U.S. Government waived its right to oppose the petition for review, and thus the U.S. Supreme Court was accused of mass murder in its own court and the accusations were unopposed. Yet this Court neither denied that it was guilty of mass murder, nor objected to the trial court ruling that

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5. Petition for Cert. at A1, Ernest v. United States Attorney for the Eastern District of Virginia, cert. denied without comment, 475 U.S. 1084 (1986).

6. Petition for Cert. at 50, supra note 5.

it must obey this Court even if this Court decreed the mass murder of Jews, or anyone, to be liberty. If any Justice had believed that the U.S. Supreme Court did not have the power to decree the mass murder of Jews or anyone to be liberty, the Justice would certainly have noted his or her objection. But no such objection was noted.

This record proves a conspiracy by the executive and judicial departments of the government of the United States to impose on this nation the very doctrines which the United States itself condemned as complicity in extermination and murder at Nuremberg. Only the names of the victims being killed have been changed.

Moreover, each Justice of the U.S. Supreme Court was named as a defendant in a civil suit, and accused in a State court of mass murder and treason.[7] The State court

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7. Ernest v. Rehnquist, Brennan, White, Marshall, Blackmun, Stevens, O'Connor, Scalia, Kennedy, et al, filed in the Circuit Court of Fairfax, Virginia, Civil No. 90367.

was asked to "Declare that there was probable cause to believe that the U.S. Supreme Court had conspired to commit murder" in violation of the State murder law.[8] Such a ruling could have been tantamount to the start of the criminal prosecution process against the Justices for mass murder.

History had never seen a moment when it was more imperative to meet charges, and, if possible, deny them. But the Justices did not deny that in Roe v. Wade they decreed killings to be "liberty" which the State had defined to be "murder." Nor did the Justices deny that victims were being killed in defiance of the State murder statute pursuant to Roe v. Wade. Nor did the the Justices deny that they had been repeatedly accused of mass murder and extermination in the U.S. Supreme Court, but they had never attempted to prove the charges to be false. Nor did the Justices deny that they were

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8. Complaint, (supra note 7), at page 44.

seeking to impose the doctrines on the United States which the United States itself condemned as extermination and murder at Nuremberg. To the contrary, this would be their defense.

The U.S. Government removed the case to the U.S. District Court in Alexandria.[9] Even though accused of extermination, mass murder and treason, the Justices did not attempt to show one single allegation in the complaint to be wrong in fact or law. The record shows the charges to be true.

Rather the Justices, through their U.S. Government lawyers, claimed that the U.S. Supreme Court has the power to decree mass murder of anyone to be liberty, and all lower courts must obey.[10] The Justices also

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9. Ernest v. Rehnquist, Brennan, White, Marshall, Blackmun, Stevens, O'Connor, Scalia, Kennedy, et al, removed to the U.S. District Court in Alexandria, Civil No. 89-732-A.

10. The Justices claimed that the District Court "is prohibited by stare decisis from granting the relief requested in this action." Although a trial court was asked to find probable cause that the Justices had

claimed that after the Supreme Court had decreed (without any trial) mass murder to be liberty, the victims being killed in violation of murder laws could not appear in court and challenge the validity of the decree.[11] And the U.S. District Judge adopted these claims as law by summary decree, without even permitting a hearing in the cause, or showing even one single allegation in the complaint to be wrong in fact or law.

Thus, to defend themselves against accusations of mass murder and treason, each Justice of the U.S. Supreme Court boldly

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conspired to commit mass murder, the Justices defended themselves by claiming "a precedent of [the Supreme] Court must be followed by the lower federal courts no matter how misguided the judges of those courts may think it to be." Ernest v. Rehnquist, Brennan, White, Marshall, Blackmun, Stevens, O'Connor, Scalia, Kennedy, supra, Govt. Memorandum in Support of Motion to Dismiss, page 3.

11. Ernest v. Rehnquist, Brennan, White, Marshall, Blackmun, Stevens, O'Connor, Scalia, Kennedy, supra, Govt. Memorandum in Support of Motion to Dismiss, at page 4.

claimed the absolute power to decree mass murder to be liberty, by mere decree without trial, no matter who the victims might be, and this claim is now accepted by all courts of the United States, the U.S. Congress, and the U.S. President, as the law of the land.

Moreover this has been the steadfast policy of the United States, asserted in court after court, for almost two decades.[12] All the lower judges, who have upheld this Court's claim of power to condemn millions to death by decree, are accused here of complicity in extermination, mass murder and treason to the U.S. Constitution.[13]

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12. Some of these cases are: U.S. District Court in Alexandria (Civ. No. 89-732); U.S. District Court in Salt Lake City (Civ. No. 85-0026; U.S. District Court in Richmond (Civ. No. 84-0858); U.S. District Court in Portland (Civ. No. 81-0272).

13. U.S. DISTRICT JUDGES: Albert V. Bryan, Jr.; Emmett R. Cox; Edward T. Gignoux; Harold H. Greene; J. Thomas Greene; William B. Hand; Joseph C. Howard; Martin F. Loughlin; Robert Earl Maxwell; Louis F. Oberdorfer; Raymond J. Pettine; Aubrey E. Robinson, Jr.; John J. Sirica; James R. Spencer; James C. Turk; D. Dortch Warriner; Don J. Young. U.S. CIRCUIT JUDGES: D.C. Circuit- David L. Bazelon; Carl McGowan;

President Clinton has repeatedly scorned pleas to repudiate the U.S. Government's claims that its Supreme Court has the power to decree the mass murder of Jews or anyone to be legal. The President was informed:

> The general rule is that mistake of law is no excuse for breaking the law. The narrow exception of reasonable reliance on an official judicial opinion, thereafter found to be a mistake of law, does not even apply in homicide cases. So if the U.S. Government's claim of unlimited power (that its Supreme Court has the power to decree the mass murder of Jew or anyone to be liberty and such

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Roger Robb; George E. MacKinnon; Spotswood Robinson III; J. Skelly Wright; Edward A. Tamm; Malcolm R. Wilkey. First Circuit- Levin H. Campbell; Frank M. Coffin; Hugh H. Bownes; Stephen G. Breyer. Fourth Circuit- Harrison L. Winter; Donald S. Russell; H. Emory Widener, Jr.; Kenneth K. Hall; James D. Phillips, Jr.; Francis D. Murnaghan, Jr.; James M. Sprouse; Sam J. Ervin, II; Robert F. Chapman. Eleventh Circuit- John C. Godbold; Paul H. Roney; Gerald B. Tjoflat; James C. Hill; Peter T. Fay; Robert S. Vance; Phyllis A. Kravitch; Frank M. Johnson, Jr.; Albert J. Henderson, Jr.; Joseph W. Hatchett; R. Lanier Anderson, III; Thomas A. Clark. AND the judges in Roe v. Wade and Doe v. Bolton who decreed a "liberty" to kill the unborn without any investigation to see if their lives were protected by the Constitution: Circuit Judges Morgan and Goldberg; District Judges Smith, Henderson, Hughes and Taylor.

> decrees must be obeyed as the supreme law of the land) ultimately turns out to be a mistake of law, then all the government officials responsible for this lawless claim, which they used to perpetuate mass killing of children in open defiance of murder statutes, will be guilty of complicity in a national scheme of mass murder.
>
> ....
>
> If the U.S. Government's claim of unlimited ... power turns out to be a mistake of law, and you refuse to repudiate it while victims are actually being killed in defiance of murder statutes, then your acquiescence can implicate you in a national scheme of mass murder. This letter becomes a part of the record of this case as evidence of what you knew, and when you knew it.[14]

Yet while the victims were being killed in defiance of murder statutes, President Bill Clinton has publicly endorsed the Roe v. Wade killings on numerous occasions, and his lawyers argue for a wider interpretation of the law in this very case to protect the killings. President Clinton has continued such advocacy of the killings despite repeated notices that such advocacy of the

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14. Letter to President Clinton dated March 31, 1993, certified no. P 867-382-498, received by the White House April 9, 1993.

killings could implicate him in a national scheme of extermination and mass murder. Thus a U.S. President have contributed to this giant conspiracy to kill victims in defiance of murder statutes, and to impose on the United States the doctrines which the United States itself condemned as extermination and murder at Nuremberg. A jury could find this amounts to complicity in extermination, mass murder and treason.

Leaders of the U.S. Congress have also helped this conspiracy.[15] By acts of commission or omission, leaders of the U.S.

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15. The complaint, (supra note 7), at page 3, alleged that various members of the committees on the Judiciary, whose particular duty was to control the courts, were a part of the conspiracy: "The co-conspirators include ex-Chairman Peter Rodino, Chairman Rep. Jack Brooks, sub-committee chairman Rep. Don Edwards, sub-committee chairman Rep. Robert Kastenmeier; Chairman Sen. Joseph Bidden, ex-Chairman Sen. Edward Kennedy. A jury could find this conspiracy to be murder." A jury might also convict other leaders of the U.S. Congress, such as Rep. Thomas Foley, Speaker of the House; Sen George Mitchell, Senate Majority Leader; and numerous members of the House and Senate Judiciary Committees.

Congress have helped the federal judicial and executive departments in this gigantic conspiracy to kill victims in violation of murder statutes, and to impose on the United States the exact doctrines which the United States itself condemned as murder at Nuremberg.[16] A jury could find this amounts to complicity in extermination, mass murder and treason.

The leaders of all three branches of the government of the United States escape the accusation that they conspired to commit capital mass murder - to kill children in violation of murder statutes - by merely claiming the same defense which the United

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16. When the U.S. Congress held hearings on Roe v. Wade, it conspired to allow all the false evidence in Roe v. Wade to be presented, but refused to allow the rebuttal to be presented, and thus Congress conspired to present falsehood to the nation as if it were the truth. Moreover leaders of Congress have deliberately defied their constitutional duty to control this Court, knowing full well that their defiance would directly contribute to the death of the victims in violation of murder statutes. And many leaders of Congress have publicly endorsed Roe v. Wade and thus its killings.

States itself condemned as mass murder at Nuremberg. This is surely a signal event in the history of mankind's search for a government of laws, and not of men.

This is a conspiracy by leaders of the judicial, executive and legislative branches of the government of the United States: (1) to claim the unlimited power to decree the mass murder of anyone to be legal; (2) to actually kill victims in violation of murder statutes; and (3) to supplant the U.S. Constitution as the supreme law of the land, and to impose the legal system on the United States by judicial fiat, which was adjudged to be extermination and murder at Nuremberg.

Leaders of the national news media have also helped this conspiracy. Even though the U.S. Supreme Court was accused of mass murder in The Washington Post,[17] and the Court has never attempted to prove a word of

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17. "WASHINGTON LAWYER CHARGES U.S. SUPREME COURT WITH MASS MURDER," published in The Washington Post, Sept 12, 1979, page A6.

the accusation to be wrong, that newspaper continued its policy of editorially advocating the Roe v. Wade killings despite repeated notices that its encouragement could amount to complicity in mass murder.[18] Even as the United States defended its officials against charges of mass murder by claiming the absolute power to decree the mass murder of anyone to be liberty, that newspaper covered up the news, and continued to advocate the killings. Since words of encouragement can amount to complicity in murder, (mass murder is not free speech), a

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18. The Washington Post, The New York Times, The Los Angeles Times, and The Wall Street Journal, have been warned almost 100 times that advocacy of murder is not free speech; that even a sincere belief that Roe v. Wade is good law is no defense, since ignorance of the law is no defense, and the narrow exception of reasonable reliance on a court decision does not apply in homicide cases. See authorities in amicus brief (supra note 1) at p.62 n.6. And while they advocated the killings, these news giants covered up the most catastrophic news in world history - that the U.S. Government officially claimed the power to decree (without any trial) the mass murder of Jews, or anyone, to be liberty.

jury could surely find such advocacy to be complicity in mass murder and treason.

Nor can we forget that there is formidable precedent for such giant conspiracies in the United States.[19]

In explaining how the monstrous crimes of the Nazi regime went unchecked, Winston Churchill merely quoted Machiavelli: "Men avenge slight injuries, but not grave ones." In this manner America is ruled by a giant conspiracy to kill victims in violation of murder statutes. The words of the Nuremberg Court also describe this conspiracy: "The dagger of the assassin was concealed beneath the robe of the jurist." That the United States can be ruled for two decades by a giant conspiracy to kill children in open defiance of murder statutes is the most

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19. Abraham Lincoln accused the U.S. Supreme Court, several U.S. Presidents, leaders of the U.S. Congress, and leading newspapers of conspiring to make slavery legal everywhere and to overturn the foundation of the U.S. Government. See "A House Divided" speech, 2 Collected Works of Abraham Lincoln 461 (Basler ed. 1953).

catastrophic crime in the history of civilization, which draws a terrifying darkness over the future of all humankind.

CONCLUSION

The Court is moved to allow counsel to represent the unborn and defend their right to life under the U.S. Constitution, and to prove that the Constitution's universal guarantee of life to "any person," expressly written in the Fifth and Fourteenth Amendments, does include the unborn. Thus the States have a duty to protect unborn life.

Alan Ernest, Counsel